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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/617,437

07/11/2003

David W. Holmes

AWS665.US; CING-118

3221

65667 7590 07/07/2009

AT&T Legal Department - Moazzam

Attn: Patent Docketing

Room 2A-207

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EXAMINER

WOZNIAK, JAMES S

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

07/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/617,437	Applicant(s) HOLMES, DAVID W.	
	Examiner JAMES S. WOZNAK	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the office action from 4/17/2009, the applicant has submitted a Request for Continued Examination (*RCE*), filed 4/30/2009, amending independent claims 1, 7, 9, 15, 17, 20, 23, 25, and 28, while arguing to traverse the art rejection based on the amended limitation regarding the identification of another wireless device by the type and model to affect device pairing (*Amendment, Pages 9-17*). The applicant's arguments have been fully considered but are moot with respect to the new grounds of rejection in view of Watanabe et al (*U.S. PG Publication: 2002/0039479 A1*).

2. In response to the applicant's arguments directed to objected claims 5 and 13 (*Amendment, Page 9*), the examiner notes that this argument was addressed in the Advisory Action from 4/17/2009 and were found to be non-convincing (*Page 2*). In regards to these arguments then, see this corresponding response.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. **Claims 1-8** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites a wireless device including logic that identifies a type and model of a second wireless device and selects pairing information from a plurality of pairing information for the identified device. While the specification appears to support that a hands free telephone set or “wireless device” is capable of identifying a type and model of another wireless device, it also appears that it is a network/server that actually retrieves a pairing code based on this information (“The wireless network 102 locates pairing information for the identified device from a repository 208 of such information”, Specification, Paragraph 0030). Thus, the specification as originally filed does not provide support for this type of retrieval logic (*i.e., based on type and model information*) in a wireless device as is set forth in claim 1. Therefore, this claim and its associated dependent claims fail to comply with the written description requirement.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-16** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Independent claims 1, 7, 9, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: a memory for storing the claimed logic (*see Specification, Paragraph 0024*). Logic could not be accessed by a processor if it were not stored in some type of hardware accessible memory device. The further dependent claims fail to overcome such rejections, and thus, are also rejected for being indefinite by virtue of their dependency.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-2, 5, 7, 17-18, 20-21, 23, 25-28, and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al (*U.S. Patent Application Publication: 2002/0065663*) in view of Watanabe et al (*U.S. PG Publication: 2002/0039479 A1*).

With respect to **Claim 1**, Thomas recites:

Pairing information for a first wireless device (*address of another device stored in a memory register, Paragraph 0020; and pairing message received from another device, Paragraph 0022*);

Pairing information for another wireless device (*address stored in a memory register to be sent to another device for establishing a link, Paragraph 0020*);

A processor coupled to the wireless device (*Speech synthesis address generation processor Fig. 7, Element 12*);

A speaker coupled to the processor to communicate audible signals (*Fig. 7, Element 13*);
and

Logic which, in communication processor, converts the pairing information for the other wireless device to audible signals, and communicates the audible signals to be communicated via the speaker (*reading and synthesizing a device address stored in a memory register, Paragraph 0020*).

Although Thomas accepts vocal inputs to enable wireless device pairing, further teaches a memory that holds multiple pairing addresses (*Paragraph 0026*), and mentions that his invention can be used with other types of pairing information (*Paragraph 0032*), Thomas does not make a link between a identifying pairing information based upon another device's type and model or specifically teach encryption codes associated with the devices. Watanabe, however, recites a system that pairs wireless devices (*For example, Fig. 5*) that stores link or encryption keys in memory in association with unique apparatus device IDs (*such as manufacturer's production and serial numbers, Paragraphs 0110-0111*) for retrieval during pairing (*Paragraphs 0110 and 0161-0162*). Watanabe also teaches encryption or authentication codes unique to the wireless devices (*Paragraph 0127-0128*).

Thomas and Watanabe are analogous art because they are from a similar field of endeavor in connecting wireless devices. Thus, it would have been obvious to a person of

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ordinary skill in the art, at the time of invention, to modify the teachings of Thomas with the manufacture numbers taught by Watanabe in order to provide unique information that better enables restrictive access of network devices (*Watanabe, Paragraphs 0106 and 0110*).

With respect to **Claim 2**, Thomas further discloses:

Logic which, when applied to the processor, performs acts defined by the pairing information for the wireless device (*converting address data to speech using a vocabulary and receiving a pairing message from a second device, Paragraph 0020*).

With respect to **Claim 5**, Watanabe further discloses:

Pairing code specific to the wireless device (Paragraphs 0127-0128).

With respect to **Claim 7**, Thomas discloses:

A microphone (*Fig. 7, Element 14*);

A processor (*speech recognition processor, Paragraph 0022*); and

Logic which, in communication with the processor, converts signals produced by the microphone into control signals, and applies the control signals to effect pairing of the wireless device with another device (*converting a device address to a control signal to enable device pairing, Paragraph 0022*).

Although Thomas accepts vocal inputs to enable wireless device pairing, further teaches a memory that holds multiple pairing addresses (*Paragraph 0026*), and mentions that his invention can be used with other types of pairing information (*Paragraph 0032*), Thomas does not make a link between a identifying pairing information based upon another device's type and model. Watanabe, however, recites a system that pairs wireless devices (*For example, Fig. 5*)

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that stores link or encryption keys in memory in association with unique apparatus device IDs *(such as manufacturer's production and serial numbers, Paragraphs 0110-0111)* for retrieval during pairing *(Paragraphs 0110 and 0161-0162)*.

Thomas and Watanabe are analogous art because they are from a similar field of endeavor in connecting wireless devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Thomas with the manufacture numbers taught by Watanabe in order to provide unique information that better enables restrictive access of network devices *(Watanabe, Paragraphs 0106 and 0110)*.

With respect to **Claim 9**, Thomas recites:

A processor *(Speech synthesis address generation processor Fig. 7, Element 13)*;

A speaker coupled to the processor to communicate audible signals *(Fig. 7, Element 13)*;
and

Logic which, when applied to the processor, identifies a second wireless device to a network, requests pairing information, and receives and converts the pairing information for the other wireless device to audible signals, and communicates the audible signals via the speaker *(reading and synthesizing a device address stored in a memory register, Paragraph 0020; and requesting and receiving pairing information over a wireless network, Paragraph 0028)*.

Although Thomas accepts vocal inputs to enable wireless device pairing, further teaches a memory that holds multiple pairing addresses *(Paragraph 0026)*, and mentions that his invention can be used with other types of pairing information *(Paragraph 0032)*, Thomas does not make a link between a identifying pairing information based upon another device's type and

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model. Watanabe, however, recites a system that pairs wireless devices (*For example, Fig. 5*) that stores link or encryption keys in memory in association with unique apparatus device IDs (*such as manufacturer's production and serial numbers, Paragraphs 0110-0111*) for retrieval during pairing (*Paragraphs 0110 and 0161-0162*).

Thomas and Watanabe are analogous art because they are from a similar field of endeavor in connecting wireless devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Thomas with the manufacture numbers taught by Watanabe in order to provide unique information that better enables restrictive access of network devices (*Watanabe, Paragraphs 0106 and 0110*).

With respect to **Claim 10**, Thomas further discloses:

Logic which, when applied to the processor, performs acts defined by the pairing information for the wireless device (*converting address data to speech using a vocabulary and receiving a pairing message from a second device, Paragraph 0020*).

Claim 13 contains subject matter similar to Claim 5, and thus, is rejected under similar rationale.

With respect to **Claim 15**, Thomas recites:

A microphone (*Fig. 7, Element 14*);

A processor (*speech recognition processor, Paragraph 0022*); and

Logic which, when applied to the processor, converts signals produced by the microphone into control signals, communicates the speech signals to the network, receives control signals from the network and applies the control signals to effect pairing of the wireless

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device with another device (*converting a device address to a control signal to enable device pairing, Paragraph 0022; and pairing information is sent over a wireless network, Paragraph 0028*).

Although Thomas accepts vocal inputs to enable wireless device pairing, further teaches a memory that holds multiple pairing addresses (*Paragraph 0026*), and mentions that his invention can be used with other types of pairing information (*Paragraph 0032*), Thomas does not make a link between a identifying pairing information based upon another device's type and model. Watanabe, however, recites a system that pairs wireless devices (*For example, Fig. 5*) that stores link or encryption keys in memory in association with unique apparatus device IDs (*such as manufacturer's production and serial numbers, Paragraphs 0110-0111*) for retrieval during pairing (*Paragraphs 0110 and 0161-0162*).

Thomas and Watanabe are analogous art because they are from a similar field of endeavor in connecting wireless devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Thomas with the manufacture numbers taught by Watanabe in order to provide unique information that better enables restrictive access of network devices (*Watanabe, Paragraphs 0106 and 0110*).

With respect to **Claim 17**, Thomas recites:

First wireless device converting pairing information for a second wireless device into audible signals and the first wireless device communicating the audible signals to the second wireless device (*speech synthesis of pairing information and speech output via a speaker, Paragraphs 0020 and 0030*);

The second wireless device converting the audible signals into control signals and the second wireless device applying the control signals to effect pairing with the first wireless device (*speech recognition of pairing data and control signal generation, Paragraphs 0022 and 0030*).

Although Thomas accepts vocal inputs to enable wireless device pairing, further teaches a memory that holds multiple pairing addresses (*Paragraph 0026*), and mentions that his invention can be used with other types of pairing information (*Paragraph 0032*), Thomas does not make a link between a identifying pairing information based upon another device's type and model. Watanabe, however, recites a system that pairs wireless devices (*For example, Fig. 5*) that stores link or encryption keys in memory in association with unique apparatus device IDs (*such as manufacturer's production and serial numbers, Paragraphs 0110-0111*) for retrieval during pairing (*Paragraphs 0110 and 0161-0162*).

Thomas and Watanabe are analogous art because they are from a similar field of endeavor in connecting wireless devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Thomas with the manufacture numbers taught by Watanabe in order to provide unique information that better enables restrictive access of network devices (*Watanabe, Paragraphs 0106 and 0110*).

With respect to **Claim 18**, Thomas discloses the speech recognition processing as applied to Claim 17.

With respect to **Claim 20**, Thomas recites:

A processor (*Speech synthesis address generation processor Fig. 7, Element 13*);

A speaker (*Fig. 7, Element 13*); and

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Logic which, when applied to the processor, converts the pairing information for the other wireless device to audible signals, and communicates the audible signals via the speaker to effect wireless device pairing (*reading and synthesizing a device address stored in a memory register, Paragraph 0020-22*).

Thomas also teaches that pairing information is sent over a wireless network (*Paragraph 0028*).

Although Thomas accepts vocal inputs to enable wireless device pairing, further teaches a memory that holds multiple pairing addresses (*Paragraph 0026*), and mentions that his invention can be used with other types of pairing information (*Paragraph 0032*), Thomas does not make a link between a identifying pairing information based upon another device's type and model. Watanabe, however, recites a system that pairs wireless devices (*For example, Fig. 5*) that stores link or encryption keys in memory in association with unique apparatus device IDs (*such as manufacturer's production and serial numbers, Paragraphs 0110-0111*) for retrieval during pairing (*Paragraphs 0110 and 0161-0162*).

Thomas and Watanabe are analogous art because they are from a similar field of endeavor in connecting wireless devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Thomas with the manufacture numbers taught by Watanabe in order to provide unique information that better enables restrictive access of network devices (*Watanabe, Paragraphs 0106 and 0110*).

With respect to **Claim 21**, Thomas discloses the speech recognition processing as applied to Claim 17.

Claim 23 contains subject matter similar to Claims 20-21, and thus, is rejected for the same reasons.

Claim 25 contains subject matter similar to Claim 15, and thus, is rejected for the same reasons.

With respect to **Claim 26**, Thomas further recites a response message sent by a wireless device to affect device pairing (*Paragraph 0022*).

With respect to **Claim 27**, it is within the scope of the teachings of Thomas to incorporate speech synthesis/recognition capabilities in both devices to enable pairing initiation from either device (*Paragraphs 0020-0022 and Paragraph 0031*).

With respect to **Claim 28**, Thomas recites:

A first wireless device converting pairing information for a second wireless device into audible signals (*Paragraph 0020 and Fig. 1, Element 12*);

The first wireless device communicating the audible signals to a human (*Paragraph 0020 and Fig. 1, Element 13*);

The subscriber providing inputs corresponding to the audible signals to the second wireless device (*Paragraph 0022 and Fig. 1, Element 5*);

The second wireless device converting the inputs into control signals (*Paragraph 0022 and Fig. 1, Element 15*); and

The second wireless device applying the control signals to effect pairing with the first wireless device (*Paragraph 0022*).

Although Thomas accepts vocal inputs to enable wireless device pairing, further teaches a memory that holds multiple pairing addresses (*Paragraph 0026*), and mentions that his invention can be used with other types of pairing information (*Paragraph 0032*), Thomas does not make a link between a identifying pairing information based upon another device's type and model. Watanabe, however, recites a system that pairs wireless devices (*For example, Fig. 5*) that stores link or encryption keys in memory in association with unique apparatus device IDs (*such as manufacturer's production and serial numbers, Paragraphs 0110-0111*) for retrieval during pairing (*Paragraphs 0110 and 0161-0162*).

Thomas and Watanabe are analogous art because they are from a similar field of endeavor in connecting wireless devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Thomas with the manufacture numbers taught by Watanabe in order to provide unique information that better enables restrictive access of network devices (*Watanabe, Paragraphs 0106 and 0110*).

With respect to **Claim 30**, Thomas further discloses:

A pairing code specific to the wireless device (*device-specific address, Paragraph 0020*).

9. **Claims 3, 8, 11, 16, 19, 22, and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al (*U.S. Patent Application Publication: 2002/0065663*) in view of Watanabe et al (*U.S. PG Publication: 2002/0039479 A1*) and further in view of Willey (*U.S. PG Publication: 2003/0065918 A1*).

With respect to **Claim 3**, Thomas in view of Watanabe teaches the system for enabling wireless device pairing via pairing information retrieved based on a type and model of device, as

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applied to Claim 2. Although Thomas in view of Watanabe teaches sending data between devices for pairing, the prior art does not specifically teach synchronizing pairing communication acts with pairing outputs, however, Willey recites such synchronization (*Paragraphs 0043-0045; and 0066*).

Thomas, Watanabe, and Willey are analogous art because they are from a similar field of endeavor in connecting wireless devices. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Thomas in view of Watanabe with the synchronization taught by Willey in order to diminish the threat of a man-in-the-middle attack (*Willey, Paragraph 0042*).

Claim 8 contains subject matter similar to claim 3, and thus, is rejected under similar rationale.

Claims 11, 16, 19, 22, and 24 contain subject matter similar to Claim 3, and thus, are rejected under similar rationale.

10. **Claims 4, 12, and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al (*U.S. Patent Application Publication: 2002/0065663*) in view of Watanabe et al (*U.S. PG Publication: 2002/0039479 A1*) and further in view of Asano et al (U.S. Patent: 7,093,128).

With respect to **Claim 4**, Thomas in view of Watanabe teaches the system for enabling wireless device pairing via pairing information retrieved based on a type and model of device, as applied to Claim 1. Thomas in view of Watanabe does not specifically disclose device pairing

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codes common to a device model, however teaches a pairing code common to all devices within a model group (*Col. 11, Lines 29-36; and Col. 21, Lines 57-65*).

Thomas, Watanabe, and Asano are analogous art because they are from a similar field of endeavor in device connection. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Thomas in view of Watanabe with the common serial number pairing information taught by Asano in order to maintain interoperability between similar devices (*Asano, Col. 21, Lines 57-65*).

Claims 12 and 29 contains subject matter similar to Claim 4, and thus, is rejected under similar rationale.

11. **Claims 6 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al in view of Watanabe et al and further in view of Haller et al (*U.S. Patent: 6,845,097*).

With respect to **Claim 6**, Thomas in view of Watanabe teaches the wireless device that establishes a connection with another wireless device through synthesized audio, as applied to Claim 1. Thomas in view of Watanabe does not teach that the audio information corresponds to DTMF tones, however, Haller recites device pairing codes in the form of DTMF tones (*Col. 6, Lines 22-37*).

Thomas, Watanabe, and Haller are analogous art because they are from a similar field of endeavor in device pairing systems. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Thomas in view of Watanabe with the use of DTMF tones taught by Haller in order to provide a well-known alternative

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command type to a voice command that is capable of accessing a device pairing message over a telephone network (*Haller, Col. 6, Lines 31-37*).

Claim 14 contains subject matter similar to Claim 6, and thus, is rejected under similar rationale.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See PTO-892.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached at (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/James S. Wozniak/
Primary Examiner, Art Unit 2626